



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,797	05/16/2008	Don Hart	082800-000200US	4465
20350 7590 10/01/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER COLLINS, MICHAEL	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 10/01/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,797	Applicant(s) HART ET AL.	
	Examiner MICHAEL K. COLLINS	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Israel on 3/21/2004. It is noted, however, that applicant has not filed a certified copy of the Israel 160979 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Art Unit: 3651

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 6 recites the limitation "the sound track" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraft et al. (USPGPUB 2004/0162633).

Art Unit: 3651

Regarding claim 1, Kraft et al. disclose a vending machine for multiple product sales, comprising:

- means for displaying multiple products (11,15);
- means for operating said machine and effecting the dispensing of any selected product (21-26);
- at least one display screen (21) disposed adjacent to said means for displaying multiple products, and
- an electronic control unit (53,57,70) for selectively controlling the display on said screen prior to, and/or during, and/or, after a vending operation.

Regarding claim 2, Kraft et al. disclose the vending machine according to claim 1, further including a multiplicity of general-nature, attention-attraction and/or sales-promotion video arranged for preprogrammed display on said screen prior to the vending operation of said machine (see paragraph [0040]).

Regarding claim 3, Kraft et al. disclose the vending machine according to claim 2, wherein an activation signal to display at least one of said multiplicity of general-nature, sales-attraction and/or sales-promotion video, is generated by a sensor detecting a person in the vicinity of said machine (see paragraph [0069] and paragraph [0074]).

Regarding claim 4, Kraft et al. disclose the vending machine according to claim 1, further comprising at least one sensor for detecting the presence of a person adjacent to the vending machine (see paragraph [0069]).

Regarding claim 5, Kraft et al. disclose the vending machine according to claim

Art Unit: 3651

4, further comprising one or more of said sensors arranged to differentiate between a child and an adult detected to be present in the vicinity of said machine, and to generate a signal processed by said electronic control unit, for selecting a suitable display on said screen (see paragraph [0068]).

Regarding claim 6, Kraft et al. disclose the vending machine according to claim 1, further comprising a loudspeaker for broadcasting the sound track of said display (see paragraph [0039]).

Regarding claim 7, Kraft et al. disclose the vending machine as claimed in claim 1, further including at least one video specifically related to a consumer-selected product arranged for display on said screen during, and for a limited time after, the vending operation of said consumer-selected product (see paragraph [0054] and [0049]).

Regarding claim 8, Kraft et al. disclose the vending machine according to claim 1, further including a communication link between said machine and a remote central computer arranged to send additional video to be stored in said vending machine and to delete therefrom selected previously installed video (see paragraph [0039]).

Regarding claim 9, Kraft et al. disclose the vending machine according to claim 1, comprising a multitude of display screens (40,41) each facing a different side of the machine.

Regarding claim 10, Kraft et al. disclose the vending machine according to claim 1, wherein the screen is located at a first level from the ground for convenient viewing by a child, an adult or both (see Figure 5).

Art Unit: 3651

Regarding claim 11, Kraft et al. disclose the vending machine according to claim 1, wherein said means for operating the machine are coins and said coins are propelled by coin funnels to a common coin collecting lockable box (26).

Regarding claim 12, Kraft et al. disclose a method for operating a vending machine, comprising:

- providing a vending machine as claimed in claim 1;
- providing at least one sensor to detect the presence of a person adjacent to the vending machine and to generate a signal when a person is detected (see paragraph [0069]), and
- activating by said signal a display on said screen attention-attraction and/or sales-promotion video (see paragraph [0074]).

Regarding claim 13, Kraft et al. disclose the method as claimed in claim 12, further comprising providing one or more sensors on at least one side of the vending machine, enabling the differentiation between the presence of a child and an adult (see paragraph [0068]).

Regarding claim 14, Kraft et al. disclose the method as claimed in claim 13, wherein the detection of a child or an adult by said sensor generates a signal activating an attention-attraction and/or sales-promotion video pre-selected to be appropriate for children or adults (see paragraph [0074]).

Regarding claim 15, Kraft et al. disclose the method as claimed in claim 12, wherein upon actuation of said product dispensing means, there is displayed on said screen a video relating to the product dispensed (see Table II).

Art Unit: 3651

Regarding claim 16, Kraft et al. disclose the method as claimed in claim 12, wherein there are provided a multiplicity of screens (17,18,21,40,41), and the displays on different screens, are not identical.

Regarding claim 17, Kraft et al. disclose the method as claimed in claim 12, further comprising locating at least one screen (17,18) at a first level from the ground for convenient viewing by a child, a short adult, or both.

Regarding claim 18, Kraft et al. disclose the method as claimed in claim 17, wherein videos appropriate for children are displayed on screens disposed at a lower height than screens appropriate for adult viewing (see paragraph [0035]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL K. COLLINS whose telephone number is (571)272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.K.C.
9/30/2010

/Michael K Collins/
Examiner, Art Unit 3651